

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN TROTT and CHRISTOPHER SMITH,
as Joint Official Liquidators and Foreign
Representatives of PLATINUM PARTNERS
VALUE ARBITRAGE FUND L.P. (in Official
Liquidation), *et ano.*,

Plaintiffs,

- against -

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

Defendants.

Civil Action No. 1:18-cv-10936-JSR

**DECLARATION OF
BARBRA R. PARLIN, ESQ.
REGARDING SERVICE
OF PROCESS**

I, BARBRA R. PARLIN, ESQ., hereby declare, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a member of the bar of this court and of the firm Holland & Knight LLP, attorneys for Martin Trott and Christopher Smith, in their capacities as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrate Fund, L.P. (in Official Liquidation) (“**JOLs**”) and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (“**PPVA**” and, collectively with the JOLs, the “**Plaintiffs**”).
2. I am familiar with the facts and circumstances underlying this case and Plaintiffs’ efforts to accomplish service, and unless otherwise indicated, all statements contained herein are based upon personal knowledge.
3. On November 21, 2018, Plaintiffs commenced this action by filing the summons and complaint [Dkt No 1] (the “**Complaint**”). The Complaint names a total of 86 individuals and

entities as defendants (the “**Defendants**”), of which five Defendants are located outside the United States.¹

4. In connection with the filing of the complaint, my Holland & Knight colleagues and I compiled a list of the attorneys known to have represented various Defendants named in the Complaint in other litigation related to the facts and circumstances that gives rise to the claims asserted in the Complaint, for the purpose of seeking agreements concerning service of process.

5. After this court entered its December 4, 2018 Notice of Court Conference (Dkt. # 12) (the “**Notice**”), attorneys from my firm sent letters to each of the defendants in the case and to their known counsel enclosing copies of the Notice and informing them that the court had ordered all parties to appear for an Initial Conference on December 19, 2018 (the “**Initial Conference**”).

6. My colleague, Richard A. Bixter, Jr., and I, also contacted counsel, attorneys of record and representatives for the Defendants, seeking to reach agreements by which these attorneys or representatives would accept service on behalf of their respective clients.

7. At the Initial Conference, the Court directed that all Defendants located within the United States be served with the summons, Complaint and all exhibits on or before December 31, 2018.

8. On December 20, 2018, Plaintiffs retained the services of Civil Action Group, Ltd. (“**Civil Action**”), a global leader in providing legal support services, in order to effectuate service upon those Defendants as to which we were unable to make arrangements with counsel for service

¹ The Complaint names 90 Defendants. However on December 18, 2018, Plaintiffs entered into a tolling agreement with respect to its claims against BRe BCLIC Primary, BRe BCLIC Sub, BRe WNIC 2013 LTC Primary and BRe WNIC 2013 LTC Sub. As a result of this tolling agreement, Plaintiffs expect to file a notice of voluntary dismissal without prejudice with respect to those four Defendants.

of process. My colleagues also continued to reach out to counsel and known representatives of Defendants in an effort to make consensual arrangements for service of process.

9. On December 21, 2018, Holland & Knight's clerical staff delivered approximately 100 copies of the Complaint and exhibits, with each copy totaling more than 1,000 pages, to Civil Action and its process servers.

10. As set forth below, as of the filing of this Declaration, 80 of the 86 Defendants have been served with the summons, Complaint and the exhibits thereto. Attached as **Exhibit 1** are Affidavits of Service that will be filed once service upon all the Defendants is completed. A breakdown of the service is set forth below.

11. **Service on Attorneys who Agreed to Accept Service on behalf of Clients:** Counsel for **18** Defendants notified counsel for Plaintiffs that they were authorized to and would accept service on behalf of their respective clients. Below is a list of the Defendants served in this manner, the date of service, along with the attorney that accepted service on behalf of a particular Defendant.

12. Unless otherwise stated, I am aware that service on these Defendants was effectuated in a two part process. First, my colleague, attorney Richard A. Bixter, Jr., sent an email to each of the following persons to which he attached a copy of the summons and complaint. Second, another Holland & Knight professional sent opposing counsel a follow up email containing a file sharing link that permitted the receiving attorney to access a full set of the exhibits to the complaint or in one case, at the request of opposing counsel, my colleague uploaded a full set of the exhibits to a file-transfer protocol site hosted by such opposing counsel.

DEFENDANT	ATTORNEY/REPRESENTATIVE	DATE OF SERVICE
Aaron Parnes Sarah Parnes FCBA Trust Morris Fuchs Shmuel Fuchs Foundation Solomon Werdiger	Kenneth A. Zitter Law Offices of Kenneth A. Zitter 260 Madison Avenue New York, NY 10016 (212) 532-8000 kzitter@aol.com	December 27, 2018
Bernard Fuchs	Kim Steven Juhase Novak, Juhase & Stern 200 Sheffield St., Suite 205 Mountainside, NJ 07092 908-233-0045 kim@877canisue.com juhase@njslaw.com kimjuhase@cs.com	December 28, 2018 (As agreed, service completed by Federal Express overnight to Mr. Juhase's New York and New Jersey offices)
David Ottensoser	Eric Creizman Pierce Bainbridge 20 West 23rd Street, Fifth Floor New York, NY 10010 ecreizman@piercebainbridge.com	December 27, 2018
David Steinberg	Matthew G. Coogan Lankler Siffert Wohl LLP 500 Fifth Avenue New York, 10110 212-921-8399 mcoogan@lswlaw.com	December 27, 2018
Ditmas Park Capital, L.P. Rockwell Fulton Capital	Tovia Jakubowitz 3019 Avenue J Brooklyn, NY 347-230-6622 tovia@jclawllp.com	December 27, 2018
Estate of Gertrude Englander Estate of Solomon Englander	Greg Schwed Jordan Meddy Loeb & Loeb LLP 345 Park Avenue New York, NY 10154 212-407-4815 gschwed@loeb.com jmeddy@loeb.com	December 27, 2018

Estate of Uri Landesman	Eric R. Breslin Melissa S. Geller Duane Morris LLP One Riverfront Plaza 1037 Raymond Blvd., Suite 1800 Newark, NJ 07102 973-424-2063 erbreslin@duanemorris.com MSGeller@duanemorris.com	December 27, 2018
Gregg Donnenfeld	Steven B. Feigenbaum Katsky Korins 605 Third Avenue New York, NY 10158 (212) 716-3278 sfeigenbaum@katskykorins.com	December 27, 2018
Kevin Cassidy Michael Nordlicht	Therese Doherty Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. 666 Third Avenue New York, NY 10016 (212) 935-3000 tdoherty@mintz.com	December 27, 2018
Platinum F.I. Group LLC	Avraham C. Moskowitz Moskowitz & Book LLP 345 Seventh Avenue 21st Floor New York, NY 10001 212-221-7999 amoskowitz@mb-llp.com	December 27, 2018

13. **Service Upon Registered Agents:** On December 27-28, 2018, Civil Action served the summons, complaint and exhibits thereto on the following **24** Defendants within the United States pursuant to Fed. R. Civ. P. 4(h)(1)(B) by serving their registered agents for service of process: B Asset Manager LP, BBLN-PEDCO Corp., BHLN-PEDCO Corp., B Asset Manager II LP, BAM Administrative Services LLC, Beechwood Re Holdings, Inc., Beechwood Re Investments, LLC, Beechwood Re Investments, LLC Series A, Beechwood Re Investments, LLC Series B, Beechwood Re Investments, LLC Series C, Beechwood Re Investments, LLC Series D, Beechwood Re Investments, LLC Series E, Beechwood Re Investments, LLC Series F,

Beechwood Re Investments, LLC Series G, Beechwood Re Investments, LLC Series H, Beechwood Re Investments, LLC Series I, Illumin Capital Management LP, Olive Tree Holdings, LLC, Platinum Management (NY) LLC, Platinum Partners Black Elk Opportunities Fund International Ltd., Platinum Partners Black Elk Opportunities Fund LLC, MN Consulting NY LLC, Beechwood Capital Group, LLC and Twosons Corporation. *See Exhibit 1 at pp. 1-3, 13, 36-56.*

14. **Personal Service:** During the period from December 26-30, 2018, Civil Action served the following 34 Defendants within the United States pursuant to Fed. R. Civ. P. 4(e) by delivering copies of the summons, complaint and the exhibits to those Defendants personally or leaving the copies at Defendants' dwelling with a person of suitable age and discretion who resides there: Beechwood Trust No. 1, Beechwood Trust No. 2, Beechwood Trust, No. 3, Beechwood Trust No. 4, Beechwood Trust No. 5, Beechwood Trust No. 6, Beechwood Trust No. 7, Beechwood Trust No. 8, Beechwood Trust No. 9, Beechwood Trust No. 10, Beechwood Trust No. 11, Beechwood Trust No. 12, Beechwood Trust No. 13, Beechwood Trust No. 14, Beechwood Trust No. 15, Beechwood Trust No. 16, Beechwood Trust No. 17, Beechwood Trust No. 18, Beechwood Trust No. 19, Beechwood Trust No. 20, Huberfeld Family Foundation, Murray Huberfeld, David Bodner, Mark Nordlicht, Ezra Beren, Dhruv Narain, Scott Taylor, David Levy, Moshe M. Feuer a/k/a Mark Feuer, Daniel Small, Naftali Manela, Estate of Jules Nordlicht, Barbara Nordlicht. Civil Action served the trustee for the BBIL ULICO 2014 Trust on January 2, 2018.² *See Exhibit 1 at pp. 4-12, 14-35, 57-58.* To the extent required, copies of the summons, complaint and the exhibits also have been or will be mailed to the respective Defendants.

² Although attempts were made to serve BBIL ULICO 2014 Trust's trustee during the week of December 26-30, 2018, service was not completed until January 2, 2018, when the trustee's office re-opened after the Holidays.

15. **Foreign Service:** On December 27, 2018, Plaintiffs' counsel served copies of the summons, complaint and exhibits thereto on the following **four** Defendants located outside the United States in accordance with the process set forth under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the "**Hague Convention**") or under applicable local law, as provided in Fed. R. Civ. P. 4(f): Mind, Body & Soul Co., Limited, GRD Estates Ltd., Beechwood Bermuda International Ltd. and Beechwood Re Ltd. *See Exhibit 1 at pp. 61-78, 81-85.*

16. **Service Unsuccessful Due to No Response:** Notwithstanding multiple attempts over several days by Civil Action's process servers that continues through today, we have not yet been able to serve copies of the summons, complaint and the exhibits thereto on the following **three** Defendants because no person has answered the door at the particular Defendant's residence or place of business.

Defendant	Address
Seth Gerszberg	229 Chestnut Street Englewood, NJ 07631
Joseph SanFilippo	3 Fawn View Court Freehold, NJ 07728
Michael Katz	170 West 76th Street, Apt 803 New York, NY 10023

It is possible that at least a few of these Defendants simply may have been away over the holidays. We will continue to make efforts to serve the foregoing Defendants over the coming days.

17. **Service Unsuccessful Due to New Address:** As of the filing of this Declaration, we also have not yet served the summons, complaint and exhibits thereto upon two additional Defendants because these Defendants apparently recently moved to new residences. Plaintiffs' counsel became aware of the change in these Defendants' addresses as of December 28, 2018,

after initial service attempts were made. Since then we have sought and obtained updated addresses for both Defendants and my colleagues have instructed Civil Action's process servers to attempt service at the new addresses. Below is a table listing the names of the two Defendants, the original address where service was attempted, and the new addresses where Plaintiffs' counsel has information to believe these Defendants may now reside and where we currently are attempting to serve them:

Defendant	Prior Address	New Address
Daniel Saks	165 Audubon Avenue, Apt. 52 New York, NY 10033-8776	1285 Mercedes St in Teaneck NJ 07666
Leon Myers	160 Lovell Road New Rochelle, NY 10804	213 Overlook Road, New Rochelle, NY 10804 160 Overlook Road, New Rochelle, NY 10804, USA.

18. **Withdrawal of Acceptance of Service:** Finally, we are making arrangements to serve Defendant Huang Lai Tsu Hsia outside the United States. Initially, a person who had appeared at the Initial Conference indicated to one of my colleagues that she was a retained representative authorized to accept service of process on behalf of this Defendant. However, on January 1, 2019, I was notified that this person no longer is willing to accept service on behalf of Defendant Huang Lai Tsu Hsia. Accordingly, we will proceed to serve Defendant Huang Lai Tsu Hsia pursuant to the Hague Convention and/or local law at the following address: Room 2402, 24/F, 101 King's Road, Fortress Hill, Hong Kong.

19. **Update.** We will continue to make every effort to effectuate service on the few remaining Defendants who have not yet been served during the next few days. We will provide the court with an update concerning the completion of service of process as soon as possible.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on January 3, 2019
New York, New York

/s/ Barbra R. Parlin

Barbra R. Parlin, Esq.